

## Appendix 3 Joint memorandum of counsel for Fonterra Limited and Central Plains Water Limited

Before the Selwyn District Council

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*under:* the Resource Management Act 1991

*in the matter of:* Submissions and further submissions in relation to the  
proposed Selwyn District Plan

*between:* **Fonterra Limited**  
*Submitter DPR-0370*

*and:* **Central Plains Water Limited**  
*Submitter DPR-0454*

Joint memorandum of counsel for Fonterra Limited and Central  
Plains Water Limited

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Dated: 3 May 2022

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**JOINT MEMORANDUM OF COUNSEL FOR FONTERRA LIMITED AND  
CENTRAL PLAINS WATER LIMITED**

May it please the Hearings Panel:

- 1 This memorandum is filed on behalf of Fonterra Limited (*Fonterra*) and Central Plains Water Limited (*CPW*) in relation to Designation CPW-1.
- 2 This memorandum records an agreement reached between Fonterra and CPW with regard to the alignment of Designation CPW-1 so far as it relates to Fonterra's land held in records of title 529209, CB44C/516, CB17F/160, 529208, CB8K/193, 588217, 18980 and 603475 (*Fonterra's Land*) .

**Submissions on Designation CPW-1**

- 3 Fonterra sought that the alignment of Designation CPW-1 be clarified, on the basis that:
  - 3.1 Fonterra understood that CPW were seeking an alteration to the designation corridor in accordance with the terms of a prior agreement between the parties;
  - 3.2 The designation is shown differently on the Operative Selwyn District Plan planning maps compared to the Fonterra ODP at Appendix 26B of the Operative Selwyn District Plan; and
  - 3.3 The alignment shown on the planning maps bisects the earth bund surrounding Fonterra's Darfield site, which would have significant consequences on Fonterra's noise management and its ability to comply with the noise limits specified in the District Plan.
- 4 CPW Designation D060001, condition 1.3 has a three year period to determine the extent of the designation reasonably necessary to construct the headrace canal, which "*may still be required to meet the future demands of the Scheme.*"
- 5 Fonterra noted in further submissions that:
  - 5.1 The designation in the notified plan has significant implications for the Fonterra site;
  - 5.2 Fonterra's preference would be for the designation pathway in so far as it relates to Fonterra's Land be confirmed as part of this plan review process; and
  - 5.3 If that is not achievable a shorter timeframe is appropriate for finalising the corridor.

- 6 Fonterra sought that CPW's submission be accepted in part to either amend the designation to the final corridor now, or allow a one year period rather than three year period for confirming the designation pathway.
- Alignment of Designation CPW-1**
- 7 Fonterra and CPW have since agreed on an alignment for Designation CPW-1 so far as it relates to Fonterra's Land. **Appendix A** to this memorandum sets out the agreed alignment.
- 8 Fonterra and CPW seek that the agreed alignment be included in the planning maps. A consequential amendment to DPZ-SCHED2 will also be required.

Dated: 3 May 2022



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**Ben Williams**  
Counsel for Fonterra Limited



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**Robyn Fitchett**  
Counsel for Central Plains Water  
Limited

